

200208892-1

13

Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1, 9-10, 16-17, 23, 28-29, 31, and 33 are amended, claims 8 and 34 are canceled, and claims 36-37 are added. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., page 4, line 13, to page 6, line 12), drawings (e.g., FIGS. 1-4), and claims and thus, no new matter has been added. Claims 1-7, 9-33, and 35-37 are pending.

Claim Rejections - 35 U.S.C. §§ 102 and 103:

Claims 1-11, 14-18, 21-22, and 29-31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bailis et al. (U.S. Patent No. 6,373,712; Bailis). Claims 12-13, 19-20, and 32-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bailis in view of Mansueto (U.S. Patent No. 6,619,766). Claims 23-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mansueto in view of Bailis. These rejections are respectfully, but most strenuously, traversed.

It is well-settled that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function. Since the Office Action's citations to each of the applied references is missing at least one element of each of applicants' independent claims, applicants respectfully submit that the claimed invention is not anticipated by the Office Action's citations to the applied references, as further discussed below.

200208892-1

14

For explanatory purposes, applicants discuss herein one or more differences between the Office Action's citations to the applied references and the claimed invention with reference to one or more parts of the applied references. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the Office Action's citations to the applied references correspond to the claimed invention.

Applicants respectfully submit that the Office Action's citations to the applied references do not teach or suggest one or more elements of the claimed invention. A careful reading of the Office Action's citations to the applied references fails to teach or suggest, for example, the first card guide portion that is angled to guide the circuit board in the first direction around the obstacle and into the open space to fill the open space with the portion of the circuit board, as recited in applicants' independent claim 1.

Bailis discloses a device for inserting a circuit card assembly 46 into a housing 42. The circuit card assembly 46 includes a locking CAM slide 12. The locking CAM slide 12 includes slots 28 and 30 to receive pins 20 and 22 of an actuator bar 10. The slots 28 and 30 have horizontal sections H and H', and a sloping section S. Once the circuit card assembly 46 is fully inserted into the housing 42, the actuator bar 10 pushes the pins 20 and 22 along the horizontal sections H and H', and the sloping section S to connect the circuit card assembly 46 with the housing 42. The portions of the slots 28 and 30 are not angled to guide the circuit card around an obstacle and into an open space behind the obstacle, as recited in applicants' independent claim 1. Additionally, neither of the slots 28 and 30 is a card guide that serves to guide a circuit board into a chassis, as recited in applicants' independent claim 1. The circuit card assembly 46 is already "fully inserted into the box," before the slots 28 and 30 do any guiding. A carrier guide member 40 guides circuit card assembly 46 into the housing 42. The circuit card assembly 46 slides along the carrier guide member 40 for insertion or removal of the circuit card assembly 46 into or out of the housing 42. The carrier

200208892-1

15

guide member 40 is a straight line from the front of the housing 42 to the back of the housing 42. The carrier guide member 40 does not have first and second card guide portions that serve to guide the circuit card assembly 46 along nonlinear directions during insertion of circuit card assembly 46 into the housing 42 to avoid an obstacle. Simply missing from the Office Action's citation to Bailis is any mention of the first card guide portion that is angled to guide the circuit board in the first direction around the obstacle and into the open space to fill the open space with the portion of the circuit board, as recited in applicants' independent claim 1.

So, the Office Action's citation to Bailis fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

The shortcomings of the Office Action's citation to Bailis relative to certain elements of the claimed invention have been discussed above. The Office Action proposes a combination of the citation to Bailis with a citation to Mansueto. However, the Office Action's citation to Mansueto does not overcome the deficiency of the Office Action's citation to Bailis. Applicants respectfully submit that the proposed combination of the Office Action's citation to Bailis with the Office Action's citation to Mansueto fails to provide the required approach, assuming, *arguendo*, that the combination of the Office Action's citation to Bailis with the Office Action's citation to Mansueto is proper.

Mansueto discloses a device 102 mounted in a housing 110. The device 102 comprises a plurality of guides 120 and 122 that extend out from the device 102. The housing 110 comprises a guide channel 112 that receives the guides 120 and 122. The guides 120 and 122 slide along the guide channel 112 for insertion or removal of the device 102 into or out of the housing 110. The guide channel 112 is a straight line from the front of the housing 110 to the back of the housing 110. The guide channel 112 does not have first and second card guide portions that serve to guide the device 102 along nonlinear directions

200208892-1

16

during insertion of device 102 into the housing 110 to avoid an obstacle. Simply missing from the Office Action's citation to Mansueto is any mention of the first card guide portion that is angled to guide the circuit board in the first direction around the obstacle and into the open space to fill the open space with the portion of the circuit board, as recited in applicants' independent claim 1.

This point is even conceded by the Office Action (page 13):

Mansueto does not expressly disclose wherein one or more of the one or more card guide pins slide through one or more bends in a card guide of a chassis to guide the circuit board around an obstacle in the chassis.

So, the Office Action's citation to Mansueto fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

Furthermore, the Office Action does not allege that the art of record provides any teaching, suggestion, or incentive for modifying the citations to Bailis and/or Mansueto to provide the claimed configuration.

The Office Action states on page 2 that "the claim recitation (wherein the card guide portions serve to guide...) is deemed functional in nature by the Office." Assuming, *arguendo*, this statement is correct, nevertheless MPEP 2173.05(g) states: "A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used."

For all the reasons presented above with reference to claim 1, claims 1, 23, 29, and 33 are believed neither anticipated nor obvious over the art of record. The corresponding dependent claims are believed allowable for the same reasons as independent claims 1, 23, 29, and 33, as well as for their own additional characterizations.

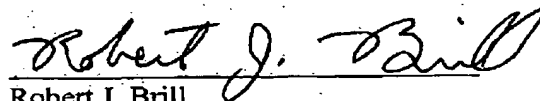
Withdrawal of the §§ 102 and 103 rejections is therefore respectfully requested.

200208892-1

17

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



Robert J. Brill
Attorney for Applicants
Reg. No. 36,760

Dated: April 14, 2005

PATTI & BRILL, LLC
Customer Number 32205